

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

Apr 18, 2018

SEAN F. McAVOY, CLERK

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON**

## OCTAVIUS ALLEN,

No. 1:17-cv-03004-FVS

Plaintiff,

ORDER ADOPTING REPORT AND  
RECOMMENDATION TO DENY  
PLAINTIFF'S MOTION FOR  
SUMMARY JUDGMENT AND  
GRANT DEFENDANT'S MOTION  
FOR SUMMARY JUDGMENT

VS.

10 COMMISSIONER OF SOCIAL  
11 SECURITY

Defendant.

## **BEFORE THE COURT** is the Report and Recommendation issued by

Magistrate Judge Mary K. Dimke on March 15, 2018, ECF No. 17, recommending Plaintiff's Motion for Summary Judgment, ECF No. 13, be denied and Defendant's Motion for Summary Judgment, ECF No. 14, be granted. Plaintiff filed objections to the Report and Recommendation on March 29, 2018. ECF No. 18. Defendant responded to Plaintiff's objections on April 12, 2018. ECF No. 21-1.

After reviewing the Report and Recommendation, the objections and the response, and relevant authorities; the Court finds the Magistrate Judge's findings

1 are correct. Therefore, the Court adopts the Amended Report and  
2 Recommendation in its entirety. Accordingly, **IT IS ORDERED:**

3       1. Plaintiff's Objections to Magistrate Judge Dimke's Report and  
4 Recommendation, ECF No. 18, are **OVERRULED**.

5       2. The Report and Recommendation, ECF No. 17, is **ADOPTED** in its  
6 entirety.

7 3. Plaintiff's Motion for Summary Judgment, ECF No. 13, is DENIED.

8 | 4. Defendant's Motion for Summary Judgment, **ECF No. 14**, is

9 | GRANTED.

10 The District Court Executive is directed to file this Order and forward copies  
11 to the parties. Judgment shall be entered for Defendant and the file shall be  
12 **CLOSED**

13 DATED April 18, 2018.

s/Fred Van Sickle  
Fred Van Sickle  
Senior United States District Judge